
HOUSE BILL No. 1622

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1; IC 25-20.2; IC 34-30-2-98.8.

Synopsis: Licensure of home inspectors. Establishes the Indiana home inspectors licensing board to regulate home inspectors and associate home inspectors in Indiana. Sets the qualifications for licensed home inspectors and associate home inspectors. Provides that a person who performs home inspections for compensation without a license commits a Class B infraction. Requires that a civil action based upon the professional services of a licensed home inspector in Indiana must be filed within two years from the date of the act or omission that is the subject of the complaint.

Effective: Upon passage; July 1, 2001.

Welch

January 17, 2001, read first time and referred to Committee on Ways and Means.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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HOUSE BILL No. 1622



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-2-2.1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.1. Rather than being
- 3 issued annually, the following permits, licenses, certificates of
- 4 registration, or evidences of authority granted by a state agency must
- 5 be issued for a period of two (2) years or for the period specified in the
- 6 article under which the permit, license, certificate of registration, or
- 7 evidence of authority is issued if the period specified in the article is
- 8 longer than two (2) years:
- 9 (1) Certified public accountants, public accountants, and account-
- 10 ing practitioners.
- 11 (2) Architects and landscape architects.
- 12 (3) Dry cleaners.
- 13 (4) Professional engineers.
- 14 (5) Land surveyors.
- 15 (6) Real estate brokers.
- 16 (7) Real estate agents.
- 17 (8) Security dealers' licenses issued by the securities



- 1 commissioner.
 2 (9) Dental hygienists.
 3 (10) Dentists.
 4 (11) Veterinarians.
 5 (12) Physicians.
 6 (13) Chiropractors.
 7 (14) Physical therapists.
 8 (15) Optometrists.
 9 (16) Pharmacists and assistants, drugstores or pharmacies.
 10 (17) Motels and mobile home park licenses.
 11 (18) Nurses.
 12 (19) Podiatrists.
 13 (20) Occupational therapists and occupational therapy assistants.
 14 (21) Respiratory care practitioners.
 15 (22) Social workers, marriage and family therapists, and mental
 16 health counselors.
 17 (23) Real estate appraiser licenses and certificates issued by the
 18 real estate appraiser licensure and certification board.
 19 (24) Wholesale legend drug distributors.
 20 (25) Physician assistants.
 21 (26) Dietitians.
 22 (27) Hypnotists.
 23 **(28) Home inspectors and associate home inspectors.**
 24 SECTION 2. IC 25-1-2-6, AS AMENDED BY P.L.82-2000,
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2001]: Sec. 6. (a) As used in this section, "license" includes
 27 all occupational and professional licenses, registrations, permits, and
 28 certificates issued under the Indiana Code, and "licensee" includes all
 29 occupational and professional licensees, registrants, permittees, and
 30 certificate holders regulated under the Indiana Code.
 31 (b) This section applies to the following entities that regulate
 32 occupations or professions under the Indiana Code:
 33 (1) Indiana board of accountancy.
 34 (2) Indiana grain buyers and warehouse licensing agency.
 35 (3) Indiana auctioneer commission.
 36 (4) Board of registration for architects and landscape architects.
 37 (5) State board of barber examiners.
 38 (6) State board of cosmetology examiners.
 39 (7) Medical licensing board of Indiana.
 40 (8) Secretary of state.
 41 (9) State board of dentistry.
 42 (10) State board of funeral and cemetery service.

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- 1 (11) Worker's compensation board of Indiana.
- 2 (12) Indiana state board of health facility administrators.
- 3 (13) Committee of hearing aid dealer examiners.
- 4 (14) Indiana state board of nursing.
- 5 (15) Indiana optometry board.
- 6 (16) Indiana board of pharmacy.
- 7 (17) Indiana plumbing commission.
- 8 (18) Board of podiatric medicine.
- 9 (19) Private detectives licensing board.
- 10 (20) State board of registration for professional engineers.
- 11 (21) Board of environmental health specialists.
- 12 (22) State psychology board.
- 13 (23) Indiana real estate commission.
- 14 (24) Speech-language pathology and audiology board.
- 15 (25) Department of natural resources.
- 16 (26) State boxing commission.
- 17 (27) Board of chiropractic examiners.
- 18 (28) Mining board.
- 19 (29) Indiana board of veterinary medical examiners.
- 20 (30) State department of health.
- 21 (31) Indiana physical therapy committee.
- 22 (32) Respiratory care committee.
- 23 (33) Occupational therapy committee.
- 24 (34) Social worker, marriage and family therapist, and mental
- 25 health counselor board.
- 26 (35) Real estate appraiser licensure and certification board.
- 27 (36) State board of registration for land surveyors.
- 28 (37) Physician assistant committee.
- 29 (38) Indiana dietitians certification board.
- 30 (39) Indiana hypnotist committee.
- 31 (40) **Indiana home inspectors licensing board.**
- 32 (41) Any other occupational or professional agency created after
- 33 June 30, 1981.

34 (c) Notwithstanding any other law, the entities included in
 35 subsection (b) shall send a notice of the upcoming expiration of a
 36 license to each licensee at least sixty (60) days prior to the expiration
 37 of the license. The notice must inform the licensee of the need to renew
 38 and the requirement of payment of the renewal fee. If this notice of
 39 expiration is not sent by the entity, the licensee is not subject to a
 40 sanction for failure to renew if, once notice is received from the entity,
 41 the license is renewed within forty-five (45) days of the receipt of the
 42 notice.



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1 SECTION 3. IC 25-1-6-3, AS AMENDED BY P.L.82-2000,
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2001]: Sec. 3. (a) There is established the Indiana professional
 4 licensing agency. The licensing agency shall perform all administrative
 5 functions, duties, and responsibilities assigned by law or rule to the
 6 executive director, secretary, or other statutory administrator of the
 7 following:

- 8 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 9 (2) Board of registration for architects and landscape architects
 10 (IC 25-4-1-2).
 11 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
 12 (4) State board of barber examiners (IC 25-7-5-1).
 13 (5) State boxing commission (IC 25-9-1).
 14 (6) State board of cosmetology examiners (IC 25-8-3-1).
 15 (7) State board of funeral and cemetery service (IC 25-15-9).
 16 (8) State board of registration for professional engineers
 17 (IC 25-31-1-3).
 18 (9) Indiana plumbing commission (IC 25-28.5-1-3).
 19 (10) Indiana real estate commission (IC 25-34.1).
 20 ~~(11) Until July 1, 1996, Indiana State board of television and~~
 21 ~~radio service examiners (IC 25-36-1-4).~~
 22 ~~(12)~~ **(11)** Real estate appraiser licensure and certification board
 23 (IC 25-34.1-8-1).
 24 ~~(13)~~ **(12)** Private detectives licensing board (IC 25-30-1-5.1).
 25 ~~(14)~~ **(13)** State board of registration for land surveyors
 26 (IC 25-21.5-2-1).

27 **(14) Indiana home inspectors licensing board (IC 25-20.2-3-1).**

28 (b) Nothing in this chapter may be construed to give the licensing
 29 agency policy making authority, which remains with each board.

30 SECTION 4. IC 25-1-7-1, AS AMENDED BY P.L.82-2000,
 31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2001]: Sec. 1. As used in this chapter:

33 "Board" means the appropriate agency listed in the definition of
 34 regulated occupation in this section.

35 "Director" refers to the director of the division of consumer
 36 protection.

37 "Division" refers to the division of consumer protection, office of
 38 the attorney general.

39 "Licensee" means a person who is:

- 40 (1) licensed, certified, or registered by a board listed in this
 41 section; and
 42 (2) the subject of a complaint filed with the division.



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- 1 "Person" means an individual, a partnership, a limited liability
 2 company, or a corporation.
- 3 "Regulated occupation" means an occupation in which a person is
 4 licensed, certified, or registered by one (1) of the following:
- 5 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 - 6 (2) Board of registration for architects and landscape architects
 7 (IC 25-4-1-2).
 - 8 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
 - 9 (4) State board of barber examiners (IC 25-7-5-1).
 - 10 (5) State boxing commission (IC 25-9-1).
 - 11 (6) Board of chiropractic examiners (IC 25-10-1).
 - 12 (7) State board of cosmetology examiners (IC 25-8-3-1).
 - 13 (8) State board of dentistry (IC 25-14-1).
 - 14 (9) State board of funeral and cemetery service (IC 25-15-9).
 - 15 (10) State board of registration for professional engineers
 16 (IC 25-31-1-3).
 - 17 (11) Indiana state board of health facility administrators
 18 (IC 25-19-1).
 - 19 (12) Medical licensing board of Indiana (IC 25-22.5-2).
 - 20 (13) Indiana state board of nursing (IC 25-23-1).
 - 21 (14) Indiana optometry board (IC 25-24).
 - 22 (15) Indiana board of pharmacy (IC 25-26).
 - 23 (16) Indiana plumbing commission (IC 25-28.5-1-3).
 - 24 (17) Board of podiatric medicine (IC 25-29-2-1).
 - 25 (18) Board of environmental health specialists (IC 25-32-1).
 - 26 (19) State psychology board (IC 25-33).
 - 27 (20) Speech-language pathology and audiology board
 28 (IC 25-35.6-2).
 - 29 (21) Indiana real estate commission (IC 25-34.1-2).
 - 30 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
 - 31 (23) Department of natural resources for purposes of licensing
 32 water well drillers under IC 25-39-3.
 - 33 (24) Respiratory care committee (IC 25-34.5).
 - 34 (25) Private detectives licensing board (IC 25-30-1-5.1).
 - 35 (26) Occupational therapy committee (IC 25-23.5).
 - 36 (27) Social worker, marriage and family therapist, and mental
 37 health counselor board (IC 25-23.6).
 - 38 (28) Real estate appraiser licensure and certification board
 39 (IC 25-34.1-8).
 - 40 (29) State board of registration for land surveyors
 41 (IC 25-21.5-2-1).
 - 42 (30) Physician assistant committee (IC 25-27.5).

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- 1 (31) Indiana athletic trainers board (IC 25-5.1-2-1).
 2 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
 3 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
 4 (34) Indiana physical therapy committee (IC 25-27).
 5 (35) **Indiana home inspectors licensing board (IC 25-20.2-3-1).**
 6 (36) Any other occupational or professional agency created after
 7 June 30, 1981.
- 8 SECTION 5. IC 25-1-8-1, AS AMENDED BY P.L.82-2000,
 9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2001]: Sec. 1. As used in this chapter, "board" means any of
 11 the following:
- 12 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 13 (2) Board of registration for architects and landscape architects
 14 (IC 25-4-1-2).
 15 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
 16 (4) State board of barber examiners (IC 25-7-5-1).
 17 (5) State boxing commission (IC 25-9-1).
 18 (6) Board of chiropractic examiners (IC 25-10-1).
 19 (7) State board of cosmetology examiners (IC 25-8-3-1).
 20 (8) State board of dentistry (IC 25-14-1).
 21 (9) State board of funeral and cemetery service (IC 25-15).
 22 (10) State board of registration for professional engineers
 23 (IC 25-31-1-3).
 24 (11) Indiana state board of health facility administrators
 25 (IC 25-19-1).
 26 (12) Medical licensing board of Indiana (IC 25-22.5-2).
 27 (13) Mining board (IC 22-10-1.5-2).
 28 (14) Indiana state board of nursing (IC 25-23-1).
 29 (15) Indiana optometry board (IC 25-24).
 30 (16) Indiana board of pharmacy (IC 25-26).
 31 (17) Indiana plumbing commission (IC 25-28.5-1-3).
 32 (18) Board of environmental health specialists (IC 25-32-1).
 33 (19) State psychology board (IC 25-33).
 34 (20) Speech-language pathology and audiology board
 35 (IC 25-35.6-2).
 36 (21) Indiana real estate commission (IC 25-34.1-2-1).
 37 (22) Indiana board of veterinary medical examiners
 38 (IC 15-5-1.1-3).
 39 (23) Department of insurance (IC 27-1).
 40 (24) State police department (IC 10-1-1-1), for purposes of
 41 certifying polygraph examiners under IC 25-30-2.
 42 (25) Department of natural resources for purposes of licensing

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- 1 water well drillers under IC 25-39-3.
 2 (26) Private detectives licensing board (IC 25-30-1-5.1).
 3 (27) Occupational therapy committee (IC 25-23.5-2-1).
 4 (28) Social worker, marriage and family therapist, and mental
 5 health counselor board (IC 25-23.6-2-1).
 6 (29) Real estate appraiser licensure and certification board
 7 (IC 25-34.1-8).
 8 (30) State board of registration for land surveyors
 9 (IC 25-21.5-2-1).
 10 (31) Physician assistant committee (IC 25-27.5).
 11 (32) Indiana athletic trainers board (IC 25-5.1-2-1).
 12 (33) Board of podiatric medicine (IC 25-29-2-1).
 13 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
 14 (35) Indiana physical therapy committee (IC 25-27).
 15 **(36) Indiana home inspectors licensing board (IC 25-20.2-3-1).**
 16 **(37) Any other occupational or professional agency created after**
 17 **June 30, 1981.**

18 SECTION 6. IC 25-1-11-1, AS AMENDED BY P.L.82-2000,
 19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2001]: Sec. 1. As used in this chapter, "board" means any of
 21 the following:

- 22 (1) Indiana board of accountancy (IC 25-2.1-2-1).
 23 (2) Board of registration for architects and landscape architects
 24 (IC 25-4-1-2).
 25 (3) Indiana auctioneer commission (IC 25-6.1-2).
 26 (4) State board of barber examiners (IC 25-7-5-1).
 27 (5) State boxing commission (IC 25-9-1).
 28 (6) State board of cosmetology examiners (IC 25-8-3-1).
 29 (7) State board of registration of land surveyors (IC 25-21.5-2-1).
 30 (8) State board of funeral and cemetery service (IC 25-15-9).
 31 (9) State board of registration for professional engineers
 32 (IC 25-31-1-3).
 33 (10) Indiana plumbing commission (IC 25-28.5-1-3).
 34 (11) Indiana real estate commission (IC 25-34.1-2-1).
 35 ~~(12) Until July 1, 1996, Indiana State board of television and~~
 36 ~~radio service examiners (IC 25-36-1-4).~~
 37 ~~(13)~~ **(12) Real estate appraiser licensure certification board**
 38 **(IC 25-34.1-8).**
 39 ~~(14)~~ **(13) Private detectives licensing board (IC 25-30-1-5.1).**
 40 **(14) Indiana home inspectors licensing board (IC 25-20.2-3-1).**

41 SECTION 7. IC 25-20.2 IS ADDED TO THE INDIANA CODE AS
 42 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,



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ARTICLE 20.2. HOME INSPECTIONS

Chapter 1. Application of Article

Sec. 1. (a) This article applies to an individual who conducts home inspections for compensation.

(b) This article does not apply to the following:

(1) An individual who is acting within the scope of the individual's employment as a code enforcement official for the state or a political subdivision of the state.

(2) An individual who is:

(A) registered as an architect under IC 25-4;

(B) registered as a professional engineer under IC 25-31;

or

(C) licensed as a plumbing contractor or journeyman plumber under IC 25-28.5.

(3) An individual who is licensed under IC 25-34.1 as a real estate broker, broker-salesperson, or salesperson and is acting within the scope of the individual's license.

(4) An individual who is licensed or certified under IC 25-34.1 as a real estate appraiser and is acting within the scope of the individual's license or certificate.

(5) An individual who holds a certificate of authority under IC 27-1-27-2 as a public adjuster and is acting within the scope of the individual's certificate.

(6) An individual who holds a permit, certificate, or license to:

(A) use and apply pesticides; or

(B) make diagnostic inspections and reports for wood destroying pests;

under IC 15-3-3.6 and is acting within the scope of the individual's certificate or license.

(7) An individual who holds a license from a political subdivision as a tradesperson or home builder and is acting within the scope of the individual's license.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Agency" refers to the Indiana professional licensing agency established by IC 25-1-6-3.

Sec. 3. "Applicant" means an individual who applies for a license as a home inspector or an associate home inspector.

Sec. 4. "Board" refers to the Indiana home inspectors licensing board established by IC 25-20.2-3-1.

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1 **Sec. 5. "Client"** means an individual who hires or seeks to hire
 2 a licensed home inspector or a licensed associate home inspector to
 3 obtain a home inspection or a home inspection report.

4 **Sec. 6. "Home inspection"** means a noninvasive physical
 5 examination that is performed on real property and that:

6 (1) examines, through visual means and normal user controls,
 7 without the use of mathematical sciences, the:

8 (A) mechanical, electrical, or plumbing systems; or

9 (B) structural or other essential components;

10 or both, of a residential dwelling; and

11 (2) is designed to identify visible defects in and the current
 12 conditions of the systems, structures, and components
 13 described in subdivision (1).

14 The term does not include a code compliance inspection.

15 **Sec. 7. "Home inspection report"** means a written report
 16 prepared and issued after a home inspection.

17 **Sec. 8. "Licensed associate home inspector"** means an individual
 18 who is licensed under this article as an associate home inspector.

19 **Sec. 9. "Licensed home inspector"** means an individual who is
 20 licensed under this article as a home inspector.

21 **Sec. 10. "Licensee"** means a person who performs home
 22 inspections and who is licensed under this article as a home
 23 inspector or an associate home inspector.

24 **Sec. 11. "Residential dwelling"** means a structure consisting of
 25 at least one (1) but not more than five (5) units, each designed for
 26 occupancy by a single family, whether the units are occupied or
 27 unoccupied.

28 **Sec. 12. "Supervising inspector"** means a board approved
 29 licensed home inspector who supervises one (1) or more associate
 30 home inspectors in connection with the requirements of
 31 IC 25-20.2-5-3(b).

32 **Chapter 3. Indiana Home Inspectors Licensing Board**

33 **Sec. 1. The Indiana home inspectors licensing board is**
 34 established.

35 **Sec. 2. (a) The board is composed of seven (7) members**
 36 appointed by the governor as follows:

37 (1) Four (4) members, each of whom:

38 (A) is licensed in Indiana as a home inspector;

39 (B) is recommended by the Indiana chapter of the
 40 American Society of Home Inspectors; and

41 (C) has been actively engaged in performing home
 42 inspections in Indiana for at least five (5) years

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- immediately before the member's appointment to the board.
- (2) One (1) member who:**
 - (A) is a home builder;**
 - (B) is recommended by the Indiana Builders Association;**
 - and**
 - (C) has been actively engaged in home building in Indiana for at least five (5) years immediately before the member's appointment to the board.**
- (3) One (1) member who:**
 - (A) is a licensed real estate salesperson under IC 25-34.1-3-3.1 or a licensed real estate broker under IC 25-34.1-3-4.1;**
 - (B) is recommended by the Indiana Association of Realtors, Inc.; and**
 - (C) has been actively engaged in selling, trading, exchanging, optioning, leasing, renting, managing, listing, or appraising residential real estate in Indiana for at least five (5) years immediately before the member's appointment to the board.**
- (4) One (1) member who represents the public at large and is not associated with the home inspection, home building, or real estate business other than as a consumer.**
- (b) The members of the board must be residents of Indiana.**
- Sec. 3. (a) Each member of the board serves a term of three (3) years and until a successor is appointed and qualified.**
- (b) The governor may remove a board member at any time for incompetency, neglect of duty, or unprofessional conduct.**
- (c) If a vacancy occurs in the membership of the board, the governor shall appoint an individual, recommended by the appropriate agency under section 2 of this chapter, to serve for the remainder of the unexpired term.**
- (d) A member may not serve on the board for more than six (6) consecutive years.**
- Sec. 4. (a) Each year the board shall elect a member as chairperson and a member as vice chairperson.**
- (b) The chairperson and the vice chairperson shall serve in their respective capacities for one (1) year and until a successor is elected.**
- (c) The chairperson and the vice chairperson may not serve in those capacities for more than two (2) consecutive years.**
- Sec. 5. (a) The chairperson shall preside at all meetings at which**

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1 the chairperson is present. The vice chairperson shall preside at
 2 meetings in the absence of the chairperson and shall perform other
 3 duties as the chairperson directs.

4 (b) If the chairperson and vice chairperson are absent from a
 5 meeting of the board when a quorum exists, the members who are
 6 present may elect a presiding officer who shall serve as acting
 7 chairperson until the conclusion of the meeting or until the arrival
 8 of the chairperson or vice chairperson.

9 Sec. 6. (a) The board shall meet at least two (2) times each
 10 calendar year upon the call of the chairperson or the written
 11 request of a majority of the members of the board.

12 (b) The chairperson shall establish the time and place for each
 13 meeting.

14 (c) A majority of the current members of the board constitutes
 15 a quorum.

16 (d) Unless otherwise provided by this article, the affirmative
 17 vote of a majority of the members appointed to the board is
 18 necessary for the board to take official action.

19 Sec. 7. (a) Each member of the board is entitled to the minimum
 20 salary per diem as provided by IC 4-10-11-2.1(b).

21 (b) Each member of the board is entitled to reimbursement for
 22 traveling expenses and other expenses actually incurred in
 23 connection with the member's duties, as provided by IC 4-13-1-4
 24 and the state policies and procedures established by the Indiana
 25 department of administration and approved by the budget agency.

26 (c) The compensation and expenses of board members and the
 27 expenses of the board shall be paid from the state general fund.

28 Sec. 8. The board may:

- 29 (1) administer and enforce this article;
 30 (2) adopt rules under IC 4-22-2 that are reasonably necessary
 31 or appropriate for the administration and enforcement of this
 32 article;
 33 (3) prescribe the requirements for and the form of licenses,
 34 applications, and other documents that are required by this
 35 article;
 36 (4) issue, deny, suspend, and revoke licenses in accordance
 37 with this article;
 38 (5) in accordance with IC 25-1-7, investigate complaints
 39 concerning licensees or persons the board has reason to
 40 believe should be licensees, including complaints concerning
 41 failure to comply with this article or rules adopted under this
 42 article, and, when appropriate, take action under

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1 **IC 25-20.2-8;**
2 **(6) bring actions in the name of the state in an appropriate**
3 **circuit court in order to enforce compliance with this article**
4 **or rules adopted under this article;**
5 **(7) establish fees in accordance with IC 25-1-8;**
6 **(8) inspect the records of a licensee in accordance with rules**
7 **adopted by the board;**
8 **(9) conduct or designate a member or other representative to**
9 **conduct public hearings on any matter for which a hearing is**
10 **required under this article and exercise all powers granted**
11 **under IC 4-21.5;**
12 **(10) adopt a seal containing the words "Indiana Home**
13 **Inspectors Licensing Board" and, through the board's**
14 **executive director, certify copies and authenticate all acts of**
15 **the board;**
16 **(11) in accordance with IC 25-1-6:**
17 **(A) use counsel, consultants, and other persons;**
18 **(B) enter into contracts; and**
19 **(C) authorize expenditures;**
20 **that are reasonably necessary or appropriate to administer**
21 **and enforce this article and rules adopted under this article;**
22 **(12) establish continuing education requirements for licensed**
23 **home inspectors in accordance with IC 25-1-4;**
24 **(13) maintain the board's office, files, records, and property**
25 **in the city of Indianapolis; and**
26 **(14) exercise all other powers specifically conferred on the**
27 **board by this article.**
28 **Sec. 9. The board shall adopt rules under IC 4-22-2 establishing:**
29 **(1) standards for the competent performance of home**
30 **inspections;**
31 **(2) a code of ethics for licensed home inspectors and licensed**
32 **associate home inspectors;**
33 **(3) standards for home inspection reports prepared by**
34 **licensed home inspectors and licensed associate home**
35 **inspectors; and**
36 **(4) standards for licensed home inspectors who serve as**
37 **supervising inspectors under IC 25-20.2-5-3(b).**
38 **Chapter 4. Licensing Agency; Secretary to the Board**
39 **Sec. 1. The agency shall provide the board with a competent**
40 **person to serve as secretary of the board. The secretary, through**
41 **the agency, shall:**
42 **(1) provide reasonable notice to board members of the time**

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- and place of each meeting;
- (2) keep a complete and accurate record of all:
 - (A) meetings;
 - (B) votes taken by the board; and
 - (C) other proceedings, transactions, communications, official acts, and records of the board;
- (3) keep a current file of all licenses and licensees; and
- (4) perform any other duties assigned by the board.

Sec. 2. The agency shall provide the board with clerical or other assistants, including investigators, necessary for the proper performance of the board's duties.

Sec. 3. The secretary shall receive and account for all money collected under this article and at the end of each month report to the auditor of state and deposit the money in the state general fund with the treasurer of state.

Sec. 4. All expenses incurred in the administration of this article shall be paid from the state general fund.

Chapter 5. Requirements for Licensing as a Home Inspector or an Associate Home Inspector

Sec. 1. Unless exempt under this article, a person may not conduct a home inspection for compensation in Indiana without first obtaining a license as a home inspector or an associate home inspector.

Sec. 2. (a) An individual who applies for a license as a home inspector must do the following:

- (1) Furnish evidence satisfactory to the board showing that the individual:
 - (A) is at least eighteen (18) years of age;
 - (B) has graduated from high school or earned a state of Indiana general educational development (GED) diploma;
 - (C) has not been:
 - (i) convicted of an act that would constitute a ground for disciplinary sanction under IC 25-1-11;
 - (ii) convicted of a crime that has a direct bearing on the individual's ability to perform competently and fully as a licensee;
 - (iii) listed on a national or state registry of sex offenders;
 - or
 - (iv) the subject of a disciplinary or enforcement action by another state or a local jurisdiction in connection with the performance of home inspections or the licensing or certification of home inspectors;

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- (D) has performed at least two hundred fifty (250) home inspections under the direction of a supervising inspector and in compliance with the home inspection standards established by the board; and**
- (E) has been licensed as an associate home inspector for at least one (1) year.**
- (2) Verify the information submitted on the application form.**
- (3) Pass a written examination prepared and administered by the board concerning Indiana law that applies to the performance of home inspections and the preparation of home inspection reports.**
- (4) Submit to the board a certificate of insurance or other evidence of financial responsibility that is acceptable to the board and that:**
 - (A) is issued by an insurance company or other legal entity authorized to transact business in Indiana;**
 - (B) provides for general liability coverage of at least one hundred thousand dollars (\$100,000);**
 - (C) lists the state as an additional insured;**
 - (D) states that cancellation and nonrenewal of the underlying policy or other evidence of financial responsibility is not effective until the board receives at least ten (10) days prior written notice of the cancellation or nonrenewal; and**
 - (E) contains any other terms and conditions established by the board.**
- (5) Pay a licensing fee established by the board.**
- (b) An individual applying for a license as a home inspector must apply on a form prescribed and provided by the board.**
- Sec. 3. (a) An individual who applies for a license as an associate home inspector must do the following:**
 - (1) Furnish evidence satisfactory to the board showing that the individual:**
 - (A) meets the requirements described in section 2(a)(1) of this chapter for licensing as a home inspector, except for the work experience requirement of section 2(a)(1)(D) and 2(a)(1)(E) of this chapter;**
 - (B) is associated with a supervising inspector for the purposes of subsection (b); and**
 - (C) has successfully completed a board approved training program or course of study involving the performance of home inspections and the preparation of home inspection**

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reports and passed an exit examination.

(2) Apply on a form prescribed and provided by the board.

(b) To meet the requirement of section 2(a)(1)(D) of this chapter for licensing as a home inspector, a licensed associate home inspector must comply with the following conditions:

(1) Perform, at intervals determined by the board, at least ten (10) home inspections under the guidance of a supervising inspector who shall provide comments and guidance to ensure the licensed associate home inspector complies with the standards of performance, code of ethics, and report writing standards established by the board.

(2) In conjunction with the associate inspector's supervising inspector, maintain separate logs of all supervised home inspections. The log must contain at least the following information:

(A) The client's name and address.

(B) The address of the inspected property.

(C) The date of the inspection.

(D) The date the written report was reviewed by the supervising inspector.

(E) Any appropriate comments.

(3) Prepare at least two hundred forty (240) additional home inspection reports for review by a supervising inspector who shall provide comments and guidance to ensure the licensed associate home inspector complies with the standards of performance, code of ethics, and report writing standards established by the board.

(4) Successfully complete all additional and appropriate training established, with board approval, by the associate inspector's supervising inspector to advance the skills of the licensed associate home inspector.

(5) Pay any fees charged by the supervising inspector for serving as a supervising inspector.

Sec. 4. (a) The requirements of this chapter may be waived for individuals moving to Indiana from another jurisdiction and the individual granted a license as a home inspector, if the following requirements are met:

(1) The other jurisdiction grants the same privileges to licensees of Indiana.

(2) The individual is licensed in the other jurisdiction.

(3) The licensing requirements of the other jurisdiction are substantially similar to the requirements of this article.

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(4) The applicant states that the applicant has studied, is familiar with, and will abide by this article and the rules adopted by the board under this article.

(b) An applicant under this section must:

(1) apply on a form prescribed and provided by the board; and

(2) pay the applicable licensing fee established by the board.

Sec. 5. (a) A nonresident whom the board determines meets the requirements of this article and files the written consent described in subsection (b) may be licensed as a home inspector or an associate home inspector in Indiana.

(b) A nonresident applicant shall file with the board a written consent stating that, if licensed:

(1) the applicant agrees to the commencement of any action arising out of the conduct of the applicant's business in Indiana in the county in which the events giving rise to the cause of action occurred;

(2) the applicant:

(A) agrees to provide to the board the name and address of an agent to receive service of process in Indiana; or

(B) consents to the board acting as the applicant's agent for the purpose of receiving service of process, if:

(i) an agent's name and address has not been filed with the board; or

(ii) the agent's name and address on file with the board is incorrect; and

(3) the applicant agrees that service of process in accordance with the Indiana Rules of Trial Procedure is proper service and subjects the applicant to the jurisdiction of Indiana courts.

Sec. 6. All licenses issued by the board remain the property of the board.

Sec. 7. A licensee shall notify the board immediately of any change of:

(1) name;

(2) name under which the licensee conducts business; or

(3) business address.

Chapter 6. License Renewal

Sec. 1. A license for a home inspector issued under IC 25-20.2-5 expires two (2) years after the date of issuance.

Sec. 2. Notwithstanding IC 25-1-2-2.1, a license for an associate home inspector issued under IC 25-20.2-5 expires one (1) year after

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1 the date of issuance.

2 **Sec. 3. An individual who applies to renew a license as a licensed**
3 **home inspector or an associate home inspector must:**

- 4 (1) furnish evidence showing successful completion of the
5 continuing education requirements this chapter; and
6 (2) pay the renewal fee established by the board.

7 **Sec. 4. (a) Renewal notices must be sent in accordance with**
8 **IC 25-1-2-6(c).**

9 (b) The renewal fee must be paid in accordance with
10 IC 25-1-8-2(d).

11 **Sec. 5. Before the end of each license period, each licensee must**
12 **complete the continuing education required by the board. This**
13 **requirement may not exceed twenty (20) hours per year.**

14 **Sec. 6. (a) The board shall adopt rules concerning the continuing**
15 **education required for the renewal of a license under this chapter.**

16 (b) The rules must do the following:

- 17 (1) Establish procedures for approving organizations that
18 provide continuing education.
19 (2) Establish a fee for each hour of continuing education
20 required after a license is issued or renewed.
21 (3) Prescribe the content, duration, and organization of
22 continuing education courses that contribute to the general
23 competence of home inspectors.

24 **Sec. 7. An individual may not hold an associate home inspector**
25 **license for more than five (5) years. If after holding an associate**
26 **home inspector license for five (5) years, a licensed associate home**
27 **inspector has not met all the requirements to become a licensed**
28 **home inspector, the individual's associate home inspector's license**
29 **expires and may not be further renewed. A person whose associate**
30 **home inspector license has expired under this section may reapply**
31 **for a new associate home inspector's license under IC 25-20.2-5-3.**

32 **Chapter 7. Authority of Other Jurisdictions to License Home**
33 **Inspectors**

34 **Sec. 1. As used in this chapter, "political subdivision" has the**
35 **meaning set forth in IC 36-1-2-13.**

36 **Sec. 2. An agency or political subdivision of the state (other than**
37 **the board) may not:**

- 38 (1) impose a registration or licensing requirement; or
39 (2) charge a license, employment, or other fee;

40 **on individuals licensed under this article for activities defined in**
41 **this article.**

42 **Chapter 8. Disciplinary Proceedings; Enforcement**

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1 **Sec. 1. The board may take disciplinary actions against or**
2 **impose sanctions on a licensee under IC 25-1-11 for any of the**
3 **following:**

4 **(1) Disclosing information concerning the results of a home**
5 **inspection without the approval of a client or the client's legal**
6 **representative, except under a court order.**

7 **(2) Accepting compensation for the same service from more**
8 **than one (1) party without the consent of all interested parties.**

9 **(3) Accepting commissions or allowances, directly or**
10 **indirectly, from other parties dealing with the licensee's client**
11 **in connection with any work for which the licensee is**
12 **responsible.**

13 **(4) Failing to disclose to a client information about a business**
14 **interest of the licensee that may affect the client in connection**
15 **with any work for which the licensee is responsible.**

16 **(5) Knowingly making a false or misleading representation**
17 **about the condition of a residential dwelling for which the**
18 **licensee has performed or has contracted to perform a home**
19 **inspection or about the extent of the services the licensee has**
20 **performed or will perform.**

21 **(6) Committing a felony in the course of the practice of home**
22 **inspection or committing any act constituting a violation of**
23 **IC 25-20.2-5-2(a)(1)(C).**

24 **(7) Violating any provisions of this article or rules adopted by**
25 **the board under this article.**

26 **(8) Making a false or misleading representation:**

27 **(A) in a license or renewal application form; or**

28 **(B) in information provided to the board.**

29 **(9) Failing to pay any fees or fines required by this article.**

30 **(10) Failing to continuously maintain the insurance or other**
31 **evidence of financial responsibility required by this article.**

32 **(11) Communicating to the public false or misleading**
33 **information about the type of license held by the licensee.**

34 **(12) Engaging in a course of lewd or immoral conduct in**
35 **connection with the delivery of services to clients.**

36 **(13) Failing to complete the continuing education**
37 **requirements established by the board.**

38 **Sec. 2. The procedures set forth in IC 4-21.5 govern the board's**
39 **conduct of disciplinary hearings.**

40 **Sec. 3. The board may summarily suspend a license for up to**
41 **ninety (90) days before a final adjudication or during an appeal of**
42 **the board's determination if the board finds that the licensee**

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1 represents a clear and immediate danger to the public's health,
 2 safety, or property if the licensee is allowed to perform home
 3 inspections. The summary suspension may be renewed upon a
 4 hearing before the board for up to ninety (90) days.

5 **Sec. 4. (a) If the board determines that an individual not**
 6 **licensed under this article is engaged in or believed to be engaged**
 7 **in activities for which a license is required under this article, the**
 8 **board may issue an order to that individual requiring the**
 9 **individual to show cause why the individual should not be ordered**
 10 **to cease and desist from such activities. The show cause order must**
 11 **set forth a time and place for a hearing at which the affected**
 12 **individual may appear and show cause as to why the individual**
 13 **should not be subject to licensing under this article.**

14 **(b) If the board, after a hearing, determines that the activities**
 15 **in which the individual is engaged are subject to licensing under**
 16 **this article, the board may issue a cease and desist order that**
 17 **describes the individual and activities that are the subjects of the**
 18 **order.**

19 **(c) A cease and desist order issued under this section is**
 20 **enforceable in the Indiana circuit courts.**

21 **Sec. 5. (a) An individual who:**

22 **(1) performs or offers to perform home inspections without**
 23 **being licensed as a home inspector or an associate home**
 24 **inspector and without being exempt from licensing under**
 25 **Indiana law;**

26 **(2) presents as the individual's own the license of another;**

27 **(3) intentionally gives false or materially misleading**
 28 **information to the board or to a board member in connection**
 29 **with licensing matters;**

30 **(4) impersonates another licensee;**

31 **(5) uses an expired, suspended, revoked, or otherwise**
 32 **restricted license; or**

33 **(6) otherwise violates this article;**

34 **commits a Class B infraction.**

35 **(b) When entering a judgment for an infraction under this**
 36 **section, the court shall add to any penalty imposed the amount of**
 37 **any fee or other compensation earned by the individual in the**
 38 **commission of the infraction.**

39 **(c) Each transaction involving activities defined by this article**
 40 **constitutes a separate violation of this section.**

41 **Sec. 6. In all actions for the collection of a fee or other**
 42 **compensation for performing home inspections, the party seeking**

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1 relief must allege and prove that, at the time the cause of action
2 arose, the party seeking relief was not in violation of section 5 of
3 this chapter.

4 **Sec. 7. An individual who applies for a license or a licensee who**
5 **is aggrieved by an order or determination of the board is entitled**
6 **to a judicial review under IC 4-21.5.**

7 **Sec. 8. The attorney general shall act as the legal adviser for the**
8 **board and provide any legal assistance necessary to carry out this**
9 **article.**

10 **Chapter 9. Liability and Immunity From Liability**

11 **Sec. 1. (a) An action for damages, whether brought in contract**
12 **or tort or on any other basis, based upon professional services that**
13 **were rendered or that should have been rendered by a licensed**
14 **home inspector or a licensed associate home inspector, may not be**
15 **brought, commenced, or maintained in a court in Indiana unless**
16 **the action is filed not later than two (2) years after the date of the**
17 **alleged act or omission.**

18 **(b) A licensed home inspector or a licensed associate home**
19 **inspector is not liable to a person for damages that arise from an**
20 **act or omission relating to a home inspection if the person is not a**
21 **party to the contract under which the home inspection is**
22 **conducted.**

23 **(c) A person who:**

24 **(1) is a professional licensed in Indiana;**

25 **(2) acts within the scope of the person's profession; and**

26 **(3) is not a licensed home inspector or a licensed associate**
27 **home inspector;**

28 **is not liable for the findings, errors, or omissions of a home**
29 **inspection unless the person has fraudulently provided or**
30 **concealed information that induced a licensed home inspector's or**
31 **a licensed associate home inspector's finding, error, or omission**
32 **that is the basis of the claim.**

33 **(d) A person who in good faith recommends or endorses a**
34 **licensed home inspector or a licensed associate home inspector**
35 **without compensation, remuneration, rebate, or other form of**
36 **consideration is not liable for the actions of the licensed home**
37 **inspector or licensed associate home inspector, including errors,**
38 **omissions, the failure to perform contracted duties of a home**
39 **inspection, or the failure to meet the standards of performance,**
40 **report writing standards, or code of ethics established by the**
41 **board.**

42 **Sec. 2. A licensed home inspector who acts as a supervising**

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inspector of:

(1) a licensed associate home inspector under IC 25-20.2-5-3(b); or

(2) a licensed home inspector or licensed associate home inspector placed on probation under IC 25-20.2-8-1;

and who does not charge a fee is not liable to any person for damages that arise from an act or omission relating to a home inspection that the licensed home inspector supervised.

SECTION 8. IC 34-30-2-98.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 98.8. IC 25-20.2-9-1 and IC 25-20.2-9-2 (Concerning actions of home inspectors and associate home inspectors).**

SECTION 9. [EFFECTIVE JULY 1, 2001] (a) As used in this SECTION, "board" refers to the Indiana home inspectors licensing board established by IC 25-20.2-3-1, as added by this act.

(b) An individual who performs home inspections does not violate IC 25-20.2-5-1 or IC 25-20.2-8-5(a)(1), both as added by this act, and may not be disciplined or sanctioned for failure to have a home inspector's or an associate home inspector's license if the person obtains a home inspector's or an associate home inspector's license not later than December 31, 2002.

(c) Notwithstanding the requirements of IC 25-20.2-5-2, as added by this act, before December 31, 2002, the board may issue to an individual, upon the individual's application and payment of fees, a home inspector license, if the individual:

(1) meets the requirements of IC 25-20.2-5-2(a)(1) through IC 25-20.2-5-2(a)(5), as added by this act, excluding IC 25-20.2-5-2(a)(1)(D), IC 25-20.2-5-2(a)(1)(E), and IC 25-20.2-5-2(a)(3);

(2) has been engaged in the practice of home inspections for at least six (6) months; and

(3) has performed at least two hundred fifty (250) home inspections in Indiana.

(d) The board may consider and accept the successful completion of equivalent licensing requirements in another state instead of one (1) or more of the requirements of IC 25-20.2-5-2(a)(1) through IC 25-20.2-5-2(a)(5), as added by this act.

(e) This SECTION expires December 31, 2002.

SECTION 10. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "board" refers to the Indiana home inspectors licensing

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1 board established by IC 25-20.2-3-1, as added by this act.

2 (b) Before July 1, 2001, the governor shall make the initial
3 appointments to the board. In making an initial appointment, the
4 governor shall indicate the length of the term for which the
5 individual is appointed.

6 (c) The initial terms of office for the seven (7) individuals
7 appointed to the board by the governor are as follows:

8 (1) Three (3) members for a term of three (3) years;

9 (2) Two (2) members for a term of two (2) years; and

10 (3) Two (2) members for a term of one (1) year.

11 (d) The initial terms begin July 1, 2001.

12 (e) An individual who does not meet the requirements of
13 IC 25-20.2-5-2(a)(1), as added by this act, may be appointed to the
14 board under IC 25-20.2-3-2(a)(1), as added by this act, if the
15 individual:

16 (1) meets the requirements of IC 25-20.2-5-2(a)(1)(A) through
17 IC 25-20.2-5-2(a)(1)(C), as added by this act;

18 (2) has been performing home inspections for at least six (6)
19 months immediately before the person's appointment;

20 (3) has performed at least two hundred fifty (250) home
21 inspections in Indiana; and

22 (4) obtains a license in accordance with IC 25-20.2-5-2, as
23 added by this act, not later than July 1, 2002.

24 (f) A board member appointed in accordance with subsection (e)
25 who does not obtain the requisite license in accordance with
26 IC 25-20.2-5-2, as added by this act, on or before July 1, 2002, shall
27 be considered to have resigned from the board on that date, and
28 the governor shall fill the vacancy in accordance with
29 IC 25-20.2-3-3(c), as added by this act.

30 (g) Not later than January 1, 2002, the board shall adopt rules
31 under IC 4-22-2 to carry out this act.

32 (h) This SECTION expires June 30, 2004.

33 SECTION 11. An emergency is declared for this act.

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